

104TH CONGRESS
2D SESSION

H. R. 4030

To terminate ocean dumping at the Mud Dump Site and other sites within the New York Bight Apex off of the coast of New Jersey.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1996

Mr. PALLONE (for himself and Mr. TORRICELLI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To terminate ocean dumping at the Mud Dump Site and other sites within the New York Bight Apex off of the coast of New Jersey.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “New Jersey Marine
5 Ecosystem Protection Act of 1996”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to preserve and restore
8 the fisheries and other marine wildlife of the New York
9 Bight by closing the Mud Dump Site and ending the prac-

1 tice of disposal of contaminated dredged material within
2 that area.

3 **SEC. 3. CLOSURE OF MUD DUMP SITE.**

4 (a) TERMINATION OF DUMPING.—On and after Sep-
5 tember 1, 1997, no person shall transport any dredged
6 material for the purpose of dumping it into ocean waters
7 at the Mud Dump Site, other than for purposes of remedi-
8 ation in accordance with subsection (c).

9 (b) CONDITIONS FOR DUMPING BEFORE TERMI-
10 NATION.—

11 (1) CATEGORY I AND CATEGORY II DREDGED
12 MATERIAL ONLY.—After the date of the enactment
13 of this Act, no person shall transport any dredged
14 material for the purpose of dumping it into ocean
15 waters at the Mud Dump Site, other than Category
16 I dredged material or Category II dredged material.

17 (2) CONDITIONS FOR CATEGORY II DREDGED
18 MATERIAL.—After the date of the enactment of this
19 Act, no person shall transport any Category II
20 dredged material for the purpose of dumping it into
21 ocean waters at the Mud Dump Site, unless the ap-
22 plicant for a permit for the transport under title I
23 of the Marine Protection, Research, and Sanctuaries
24 Act of 1972 (33 U.S.C. 1411 et seq.) has certified,

1 and the Secretary of the Army has published a find-
2 ing of, the following:

3 (A) The affected States or ports were re-
4 quested to provide alternative sites for disposal
5 of the material and failed to provide a reason-
6 able alternative site.

7 (B) Dumping of the material (including
8 necessary capping material) at the Mud Dump
9 Site will not increase the elevation of the ocean
10 bottom at the Mud Dump Site—

11 (i) such that the depth of the ocean at
12 that site is less than 65 feet below the sur-
13 face of the ocean; and

14 (ii) above an elevation designed, based
15 on scientific evidence, to contain the mate-
16 rial within the lateral limits of the Mud
17 Dump Site.

18 (c) SITE REMEDIATION.—

19 (1) PLAN.—The Administrator of the Environ-
20 mental Protection Agency, in cooperation with the
21 Secretary of Commerce and the Secretary of the
22 Army, shall develop a remediation and restoration
23 plan in accordance with applicable laws and regula-
24 tions for the Mud Dump Site and surrounding
25 areas.

1 (2) DESIGNATION OF SITE.—The Administrator
2 of the Environmental Protection Agency shall des-
3 ignate the Mud Dump Site and surrounding areas
4 that have historically been used for disposal of con-
5 taminated material as the Historic Area Remedi-
6 ation Site under part 228 of title 40, Code of Fed-
7 eral Regulations, effective September 1, 1997.

8 (3) MANAGEMENT OF SITE.—The Historic Area
9 Remediation Site—

10 (A) shall be managed to reduce impacts at
11 that site to acceptable levels in accordance with
12 part 228.11(c) of title 40, Code of Federal Reg-
13 ulations; and

14 (B) shall be remediated with
15 uncontaminated dredged material that—

16 (i) meets standards for Category I
17 dredged material; and

18 (ii) will not cause significant undesir-
19 able effects, including such effects through
20 bioaccumulation.

21 (d) MODIFICATION OF ENVIRONMENTAL ASSESS-
22 MENT.—The Secretary of the Army and the Administrator
23 of the Environmental Protection Agency shall modify envi-
24 ronmental assessment activities at the Mud Dump Site as
25 appropriate to reflect the provisions of this Act.

1 **SEC. 4. TERMINATION OF OTHER OCEAN DUMPING OF**
2 **DREDGED MATERIAL OFF OF COAST OF NEW**
3 **JERSEY.**

4 (a) IN GENERAL.—On and after September 1, 1997,
5 no person shall transport any dredged material for the
6 purpose of dumping it into ocean waters in the New York
7 Bight Apex outside of the Historic Area Remediation Site
8 designated under section 3(c), or into waters of the New
9 York-New Jersey Harbor.

10 (b) PROHIBITION ON DESIGNATION OF SITES AND
11 ISSUANCE OF PERMITS.—The Administrator of the Envi-
12 ronmental Protection Agency may not designate any new
13 site for ocean dumping of dredged material within the New
14 York Bight Apex, and the Secretary of the Army may not
15 issue any permit for transportation of dredged material
16 for the purpose of dumping it in the New York Bight
17 Apex, except in accordance with this Act.

18 **SEC. 5. VIOLATIONS.**

19 Any violation of section 3 (a) or (b) or section 4(a)
20 shall be treated as a violation of title I of the Marine Pro-
21 tection, Research, and Sanctuaries Act of 1972 (33 U.S.C.
22 1411 et seq.).

23 **SEC. 6. DISPOSAL ALTERNATIVES.**

24 (a) IN GENERAL.—The Secretary of the Army, in co-
25 operation with the Administrator of the Environmental
26 Protection Agency, the Secretary of Transportation, State

1 and local governments, and environmental and port inter-
2 ests, may establish, operate, and maintain a confined
3 dredged material disposal facility or facilities within the
4 confines of the Port of New York and New Jersey. Costs
5 associated with implementation of this section shall be
6 paid by non-Federal interests in substantially the same
7 manner as costs are required to be paid by non-Federal
8 interests under section 101 of the Water Resources Devel-
9 opment Act of 1986 (33 U.S.C. 2211).

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$260,000,000.

13 **SEC. 7. DEFINITIONS.**

14 In this Act:

15 (1) TERMS DEFINED IN MARINE PROTECTION,
16 RESEARCH, AND SANCTUARIES ACT OF 1972.—Any
17 term used in this Act that is defined in section 3 of
18 the Marine Protection, Research, and Sanctuaries
19 Act of 1972 (33 U.S.C. 1402) has the meaning
20 given the term in that section.

21 (2) CATEGORY I AND CATEGORY II DREDGED
22 MATERIAL.—Each of the terms “Category I dredged
23 material” and “Category II dredged material”, re-
24 spectively, means such material as determined under
25 the 1992 United States Army Corps of Engineers

1 New York District and the Environmental Protec-
2 tion Agency Region II Guidance for Performing
3 Tests on Dredged Material Proposed for Ocean Dis-
4 posal.

5 (3) MUD DUMP SITE.—The term “Mud Dump
6 Site” means the area designated by the Adminis-
7 trator of the Environmental Protection Agency
8 under part 228.115(d)(6) of title 40, Code of Fed-
9 eral Regulations, as the New York Bight Dredged
10 Material Disposal Site (Mud Dump) in the New
11 York Bight Apex, North Atlantic Ocean for the dis-
12 posal of dredged material generated in the Port of
13 New York and New Jersey and nearby harbors.

14 (4) NEW YORK BIGHT APEX.—The term “New
15 York Bight Apex” means the ocean waters of the
16 Atlantic Ocean westward of 73 degrees 30 minutes
17 west longitude and northward of 40 degrees 10 min-
18 utes north latitude.

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